

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LIAONING CHENG DA JOYLAND CO.,)	
LTD., f/k/a, LIAONING CHENGDA)	Case No. 08-cv-4604 (Rakoff)
ENTERPRISES, CO. LTD.,)	
Plaintiff,)	
v.)	
)	
ALSTON TAYLOR USA, INC., CHINARED)	
USA, AND ALSTON TAYLOR USA INC.)	
D/B/A CHINARED USA,)	
)	
Defendants.)	
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PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT

TAKE NOTICE that Defendant is to answer the following Interrogatories in writing and under oath, in accordance with Rule 26 and 33 of the Federal Rules of Civil Procedure and Local Civil Rule 33.3(a) of the Southern District of New York.

DEFINITIONS

The following definitions and instructions apply to the Interrogatories. Local Civil Rule 26.3 of the Southern District of New York is also hereby incorporated:

1. "And" and "or" shall be read in the disjunctive, conjunctive, or both, as the case may be, consistent with an interpretation that results in the more extensive interrogatory response.
2. "Any" means any and all.

3. “Concerning” or “concern” means relating to, referring to, describing, evidencing or constituting the referenced matter.
4. “Describe” means to set forth all facts explaining, concerning, causing or contributing to (whether positively or negatively) the information sought in the Interrogatory.
5. “Each” means “each and every.”
6. “Including” or “includes” means including without limitation.
7. “Identify,” when used in reference to:
 - a) an individual, means to state his or her name, present or last known home and business address(es) and telephone number(s), and present or last known business affiliation including title and position;
 - b) a firm, organization, partnership, corporation or other business entity, means to state the correct name of the organization, type of organization (e.g., corporation, partnership, firm or other entity), and present or last known address and telephone number;
 - c) “document,” means to set forth its date, author(s), title, present location and name of custodian. It shall be deemed a sufficient answer to furnish true and legible copies of the contract, agreement or document asked to be identified, together with your answers to these Interrogatories, provided that you specifically indicate the Interrogatory, or portion thereof, for which the document is meant to serve as a response;

- d) an “oral communication,” means to set forth the substance of the communication, the name and title of the person(s) making the communication, name and title of all parties to the communication, and date and place of the communication;
 - e) a fact, means to set forth all facts explaining, concerning, causing or contributing to (whether positively or negatively) the information sought in the Interrogatory.
- 8. “Person” or “Persons” includes any natural person, firm, association, organization, partnership, business, trust, corporation or public entity.
 - 9. The term “you” or “your” shall mean Defendant Alston Taylor USA, Inc. (“Alston”), ChinaRed USA (“ChinaRed”) or Alston Taylor USA, Inc. d/b/a ChinaRed, its divisions, agents, attorneys, experts and representatives and all predecessors, successors, parents, subsidiaries, affiliates, assigns, agents, attorneys, experts, or its current or former directors, officers, employees, representatives and shareholder.
 - 10. The term “Defendant” or “Defendants” shall mean Defendant Alston, ChinaRed, or Alston d/b/a ChinaRed and its divisions, agents, attorneys, experts, and representatives, and, if applicable, all predecessors, successors, parents, subsidiaries, affiliates, assigns, agents, attorneys, experts, or current or former directors, officers, employees, representatives and shareholders.
 - 11. “Document” has the same meaning as in Rule 34 of the Federal Rules of Civil Procedure, and includes, without limitation, any writing, notes, photograph, chart, graph, video tape, audio tape, computer disk, or electronically stored

data (including electronic mail) which is in your actual or constructive possession, custody or control, and includes, without limitation, all originals, copies, drafts (sent or unsent), or other nonconforming copies of every kind. “Document” also means all information of all kinds maintained by electronic data processing systems including all non-identical copies of such information, and includes, but is not limited to, computer programs (whether private, commercial or work-in-progress), programming notes or instructions, and input and/or output used or produced by any software program or utility (including electronic mail messages and all information referencing or relating to such messages anywhere on the computer system, word processing documents, and all information stored in connection with such documents, electronic spreadsheets, databases including all records and fields and structural information, charts, graphs, and outlines, arrays of information and all other information used or produced by any software), operating systems, source code of all types, programming languages, linkers and compilers, peripheral devices, TIFF files, batch files, any and all ASCII files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether said electronic data consists in an active file, deleted file or file fragment. “Document” also includes any and all information stored on computer memories, hard disks, floppy disks, CD-ROM drives, Bernoulli Box drives and their equivalent, magnetic tape of all types, microfiches, punched cards, punched tape, computer chips, including, but not limited to EPROM, PROM, RAM, and ROM, or on or in any other vehicle for

digital data storage and/or transmittal. The term “Document” also includes the file, folder tabs and/or containers and labels appended to, or associated with, any physical storage device associated with the information described above.

12. The singular form of a noun or pronoun shall include within its meaning the plural form, and vice versa; the use of the masculine form of a pronoun includes within its meaning the feminine form, and vice versa; the use of any tense or any verb shall include within its meaning all other tenses; the use of “and” shall include “or,” and vice versa; the use of “all” shall include “any” and “each,” and vice versa.

INSTRUCTIONS

1. Each Interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the objecting party shall state the reasons for objection and shall answer to the extent the Interrogatory is not objectionable.
2. You are requested to return with the answers to these Interrogatories a list identifying each category of information Defendant contends is privileged or otherwise excluded from discovery. The list should include the date of the information was prepared, the names of the person(s) who prepared the information and those who received it, a description of the information and the basis for the claim of privilege or other grounds for exclusion.
3. The answers are to be signed by the person making them and the objections signed by the attorney making them.

4. All responses shall be as complete as the reasonably available information permits. If an Interrogatory cannot be answered completely, it shall be answered to the extent possible. If you do not have personal knowledge sufficient to respond fully to an Interrogatory, you shall so state, but shall make a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations.
5. All responses in which you choose to exercise the option to produce documents or other writings shall describe each responsive document in sufficient detail to permit it to be located and identified, and you shall afford a reasonable opportunity to examine, audit, or inspect such documents and to make copies, compilations, abstracts, or summaries of them.
6. If only a part of an Interrogatory is objectionable, the remainder of the Interrogatory shall be answered. If an objection is made to an Interrogatory or to a part of an Interrogatory, the specific ground for the objection shall be set forth clearly. If an objection is based on a claim of privilege or other protection, the particular privilege or protection invoked shall be clearly stated and the basis for the privilege explained.
7. Your answer to each Interrogatory shall identify each individual who supplied information for or participated in the preparation of your answers to these Interrogatories, and each document to which you referred or upon which you relied in the preparation of your answers to these Interrogatories.
8. This set of Interrogatories shall be deemed continuing in accordance with Rule 26(e) of the Federal Rules of Civil Procedure. If, after responding to the

Interrogatories, you obtain or become aware of any further information responsive to this set of Interrogatories, you are required to serve upon Plaintiff supplemental answers. Any information provided in response to these Interrogatories which is later found to be incorrect or incomplete or to have become incorrect or incomplete shall be corrected or completed by your supplemental answers.

INTERROGATORIES

1. Provide the names of witnesses with knowledge of information relevant to the subject matters of the complaint, your answer, affirmative defenses and counterclaims.

2. Provide the computation of each category of damage alleged in your counterclaims.

3. Disclose the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, and other physical evidence, or information of a similar nature.

Dated: New York, NY
July 18, 2008

DeHeng Chen Chan, LLC

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